

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawaii 96813

July 22, 2009

Board of Land  
and Natural Resources  
Honolulu, O'ahu

Request for Authorization for Review Policy for Take of Protected Coral and Live Rock Through  
Division of Aquatic Resources Special Activity Permits

Submitted herewith for your consideration and approval are guidelines developed by the Division of Aquatic Resources regarding review of requests for, and setting of Special Conditions on, take of fully protected stony coral and live rock resources within State waters through the Division's Special Activity Permit (SAPs) as authorized in Section 187A-6, Hawaii Revised Statutes (HRS). Section 187A-6 provides that the Department may issue permits no longer than one year (from date of issue) to any person to take aquatic life, possess or use fishing gear, or engage in any feeding, watching, or other such non-consumptive activity related to aquatic resources otherwise prohibited by law for scientific, educational, management, or propagation purposes, subject also to Chapter 195D and any other restrictions the Department deems desirable.

Such permits are usually sought by University researchers and their students, professional biologists, consultants, aquariums, or public and private school teachers to either collect aquatic life otherwise considered unlawful, or to use gear otherwise considered unlawful, primarily for the purposes of study or education. We propose the following guidelines to be used by Division staff in the review of, and setting Special Conditions related to, formal applications for SAPs involving take or disturbance of stony coral and live rock, both of which are fully protected under State law (HAR §13-95-70 and §13-95-71).

The Division of Aquatic Resources has reviewed our existing permitting guidelines and made recommendations to conserve fully protected resources and habitats as well as to minimize impacts to those resources and habitats. Among other permit provisions, the Division will require photo-documentation of each habitat impacted both pre- and post-installation of any equipment or pins into the substrate, and limitations on range of collection and other activities allowed. Strong restrictions have been placed on the number and weight of organisms to be allowed to be collected. While a number of the organisms that might be requested to be collected are not regulated by the State, their life history involves them being associated with live rock, which is fully regulated against take or damage under HAR §13-95-71; the Division has recommended placing special restrictions within permits derived from such requests to minimize damage to any live rock or coral encountered during these activities.

RECOMMENDATION:

"That the Board Approve the Attached Policy for the Division of Aquatic Resources to Use When Evaluating Applications, and When Setting Conditions, on Special Activity Permits That Involve Activities Including the Take, Collection, Killing, Display, Transport, or Disturbance of Stony Coral or Live Rock."

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Polhemus', with a long horizontal flourish extending to the right.

DAN POLHEMUS  
Administrator

APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to read 'Laura H. Thielen', with a long horizontal flourish extending to the right.

LAURA H. THIELEN  
Chairperson

State of Hawai'i  
Department of Land and Natural Resources  
DIVISION OF AQUATIC RESOURCES

7/22/089

**REVIEW POLICY FOR TAKE OF PROTECTED CORAL AND LIVE ROCK THROUGH DIVISION OF AQUATIC  
RESOURCES SPECIAL ACTIVITY PERMITS**

We are changing the way we review Special Activity Permit (both scientific and non-scientific) Applications under this Division in regards to both review of permit applications and recommending Special Conditions for SAPs involving take or disturbance of stony corals or live rock. From this point forward the following policy will be used for review of Special Activity Permits:

1. Once a Special Activity Permit (SAP) application is received, it will be evaluated as to any impact associated with State stony coral or live rock resources as protected under HAR §13-95-70 or §13-95-71. The reviewing biologist will use the DAR Special Activity Permit Application Review Checklist (revised).
2. A copy of the attached review checklist will be provided to the assigned biologist along with a copy of the permit application.
3. The biologist will thoroughly review the application and answer all of the questions on the checklist. Wherever a "Yes" box is checked, actions will be followed to meet the concerns listed.
4. All questions in the review checklist will be answered by the biologist before the application is moved forward. If for some reason, a question cannot be answered, the biologist will contact the applicant for more information.
5. In general, the following will be evaluated relative to the proposed field methods<sup>1</sup>:
  - a. Does the applicant use the most environmentally-friendly and appropriate study methods which are reasonably available.
  - b. Is the sampling methodology designed to match the site-specific characteristics of the area, preferably through the use of non-intrusive tools, or at least minimally intrusive tools in sensitive/protected areas. Does the applicant request the minimum number of specimens necessary to conduct the work?
  - c. Is the applicant proposing to place any device or chemical underwater in the field?
  - d. The level and duration of underwater activity should be restricted to the minimum required to achieve the desired results and minimize impacts on marine life. In areas where endangered or fully-protected species are known or are suspected to exist, additional measures may be required including, for example, soft-starts, visual surveillance and on-site monitoring.
  - e. To avoid collections that are not essential to the conduct of the specific scientific research, and to reduce the number of samples to the necessary minimum, the Division will recommend consideration of available existing biological and physical data and/or samples from the target site instead of active collection or impact wherever possible.
6. The following guidelines will be used for evaluating permit requests involving stony corals:
  - a. All requests need to identify specific number of specimens, sizes of specimens and species to be targeted. No coral species other than the ones listed on the approved permit will be allowed to be impacted.
  - b. Will evaluate the rationale for impact to, or take of, live coral based on previous documented studies or small-scale pilot studies.
  - c. For single permit requests to take coral samples the following guidance will be used for setting amounts<sup>2</sup>: In general, fragments, pieces, or nubbins<sup>3</sup> no greater than 5cm in length will be considered. No more

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<sup>1</sup> Modified after the OSPAR Code of Conduct for Responsible Marine Research in the Deep Seas and High Seas of the OSPAR Maritime Area; 2008-1, OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic.

than 10 fragments, pieces or nubbins per branching colony. No more than 5 small outgrowths or nubbins per massive colony. No more than 10 fragments, pieces or nubbins per encrusting colony. 50 fragments in total per reef per permit, 250 fragments total per permit per year. Colonies to be sampled to be a maximum of 50 cm in diameter. Maximum 10 colonies per species per reef per permit. Total of no more than 60 colonies sampled per permit per year. Fragmentation and collection activities must not harm the remainder of the colony.

- d. The Division will cumulate all permit requests for any given year to cap the total number of colonies sampled on a per reef basis at 500 fragments total (all permits) per year, and a maximum of 30 colonies per species per reef per year (all permits). Total number (all permits) of allowable fragments statewide to be collected will be less than 5,000, and the total number of colonies per year to be impacted will be 500<sup>4</sup>.
  - e. In general, no extractive, invasive, or disturbance-causing activities to living coral colonies larger than 1 m in diameter will be allowed.
  - f. The following Hawaiian coral species are considered to be rare by the Division of Aquatic Resources and will not be allowed to be collected without special considerations: *Porites pukoensis*, *Porites duerdeni*, *Porites stueri*, *Montipora dilitata*, *Pocillopora ligulata*, *Pocillopora molokensis*.
  - g. Collecting and/or impact activities will be limited to discrete sites listed on the permit. No state-wide or island-wide collections will be allowed. In general, no disturbance to, or take of, live coral will be allowed in no-take marine protected areas of the State.
  - h. All collection or disturbance sites will be GPS'd and pre-impact and post-impact photos taken. This information will be shared with the Department.
  - i. The permit will require notification of DAR and DOCARE prior to any field activity.
  - j. In general, no out-of-state transport of live coral will be allowed.
7. The following guidelines will be used for evaluating permit requests involving live rock:
- a. All requests need to identify specific amounts of live rock to be targeted. No live coral will be allowed atop specimens of live rock to be collected.
  - b. Will evaluate the rationale for impact to, or take of, live rock based on previous documented studies or small-scale pilot studies.
  - c. For single permit requests to take live rock, the following guidance will be used for setting amounts: Fragments or pieces no greater than 50 cm in length will be allowed without full and verified justification. In general, no more than 10 pieces per discrete site. No more than 50 pieces total per year. Fragmentation and collection activities must not harm the remainder of the live rock in the immediate area or any coral colonies present.
  - d. The Division will cumulate all permit requests for any given year to cap the total number of live rock sampled on a per reef basis at 200 fragments or pieces total per year. Total number of allowable fragments or pieces statewide to be collected will be less than 10,000.<sup>5</sup>
  - e. In general, no extractive, invasive, or disturbance-causing activities immediately adjacent to coral colonies larger than 1 m in diameter will be allowed.
  - f. Collecting and/or impact activities will be limited to discrete sites listed on the permit. No state-wide or island-wide collections will be allowed. In general, no disturbance to, or take of, live rock will be allowed in no-take marine protected areas of the State.
  - g. All collection or disturbance sites will be GPS'd and pre-impact and post-impact photos taken. This information will be shared with the Department.
  - h. The permit will require notification of DAR and DOCARE prior to any field activity.
  - i. In general, no out-of-state transport of live rock will be allowed under these permits without justification as to the benefit to the people of the State of Hawaii or to management of the protected resource equal to, or exceeding, the need to fully protect and conserve the trust resource as provided by law.
8. Once the checklist is completed, the biologist will circle whether they recommend approval or denial based in large part on the ability to mitigate (through 'Special Conditions' on the permit) the concerns raised by the review and the answers to the checklist.

<sup>2</sup> This guidance, while modified by DAR staff based on Hawaii conditions, is based on coral permitting guidance in use by the Great Barrier Reef Marine Park Authority in Australia.

<sup>3</sup> A fragment is a discrete subunit broken off of a colony; a nubbin is a small, identifiable outgrowth of a colony.

<sup>4</sup> This excludes any collection done within the Hawaii Marine Laboratory Refuge or through legal and documented dredging activities.

<sup>5</sup> This excludes any collection done within the Hawaii Marine Laboratory Refuge or through legal and documented dredging activities.

- a. If recommending approval, the biologist will write the special conditions into the final permit (or list them for the staff person actually preparing the permit) and any additional other issues necessary for consideration of approval.
  - b. If recommending denial, the biologist will list specific reasons for the recommendation.
9. If additional review by DAR staff is suggested by the biologist's review of the application and the checklist, an additional copy of both the application and checklist will be created and passed on to additional staff for review. The original application and checklist will be processed by the biologist as outlined below.
  10. In general, the Division will attempt to avoid recommending approval of permitted activities which could disturb the experiments and observations of other existing permitted activities of other scientists. This requires that the Division: a) makes itself familiar with the status of current and planned research in an area; and b) that they ensure that the proposed research activities and plans are evaluated relative to what is already on-going and/or planned for an area..
  11. The biologist will date and sign (in ink) the checklist, and attach it with the permit application and forward it back to the Permit Coordinator for processing. The signed checklist will be attached into the applicant's folder and constitute part of the formal record.
  12. A letter to the applicant will be generated for the Administrator's signature explaining the proposed action, which will be sent out with the unsigned permits (if approved).

These permit reviews are a core feature of our Division and this new policy will assist in assuring the public that Division is meeting its Public Trust responsibilities in conserving fully protected stony coral and live rock resources, in addition to making sure that each permit request is fairly and equally reviewed to a base standard, in a way that meets our primary resource trustee responsibilities.

As a reminder, the following Statutes and Rules provide DAR with authorities to issue non-commercial permits related to aquatic marine life and habitat issues. You'll note that for the vast majority of our non-commercial take or activities that require a permit, we use our single Special Activity Permit with amended special conditions.

#### Hawaii Revised Statutes

##### §187A-6 Scientific collection permit (Special Activity Permit) (Special Activity Permit)

The Division can issue permits to allow for take of aquatic life for scientific, educational, or propagation purposes except as prohibited by §195D (relating to endangered and threatened species). Permits are for a maximum of one year in length. Interested parties may download a permit form from the DLNR website or request one from any DAR office state-wide. Permit requests are reviewed by DAR staff and two copies of the draft permit are sent to the applicant for review and signature. Both copies are then sent back to the Division for Department Chair signature. One copy of the approved permit is then sent back to the applicant. Permit conditions often are broken down into two subsections – general “boilerplate” conditions and special conditions which vary greatly due to the wide variety of activities, sites and species regulated by this form of permit. Currently there is no fee for this permit.

##### §188-23 Possession/Use of Explosives/Electrofishing Devices & Poisonous Substances Permits

The Department can issue permits to allow for the use of electrofishing devices and explosives consistent with other legal requirements. The Department can also issue permits to allow for the possession of substances poisonous to aquatic life if the Department deems the amount to be possessed to be for legitimate purposes and to be in quantities too small to harm aquatic life. Such permission would be currently issued under a scientific collecting permit as a special condition.

##### §188-31 Aquarium Collection Permits

The Division can issue aquarium fish permits to allow for take of aquatic life for aquarium purposes using fine mesh nets greater than three feet in length. Permits are for a maximum of one year in length. Interested parties may request a permit form from any DAR office state-wide. Permit requests need to be submitted in person for first time issuance, renewal can be done through the mail. Currently there is no fee for this permit. Permits are issued on the spot after signature by the requesting party and the license agent (clerk, etc.). Commercial permittees are required to file monthly catch reports in addition to possessing a commercial license.

**§188-53 Fishing Reserves, Refuges, and Public Fishing Area Permits**

If required, it is unlawful for any person to enter any area established under this section without first obtaining a permit from the Department. Such permission would be currently issued under either a scientific collecting permit as a special condition or as a non-commercial "Entry Permit" (currently in use for Wahiawa and Nuuanu Reservoirs for freshwater fishing).

**§190-4 Marine Life Conservation District (MLCD) Permits**

The Department may prohibit the taking of marine life or engaging in activities prohibited under Chapter 190, except by permit issued by DLNR for scientific, educational, or other public purposes on such terms and conditions deemed necessary to minimize any adverse effect within the MLCD. Such permission would be currently issued under a scientific collecting permit as a special condition.

**Hawaii Administrative Rules**

**§13-28 through §13-38 Rules Regulating Activities and Take Within Marine Life Conservation Districts**

The Department may prohibit the taking of marine life or engaging in prohibited activities, except by permit issued by DLNR for scientific, educational, or other public purposes on such terms and conditions deemed necessary to minimize any adverse effect within the MLCD. Such permission would be currently issued under a scientific collecting permit as a special condition.

**§13-47 through §13-60 Rules Regulating Activities and Take Within Marine Fisheries Management Areas**

The Department can issue permits to engage in activities for non-commercial use (i.e. scientific, educational, or other public purposes) within various Fisheries Management Areas that would otherwise be prohibited for these areas. Such permission would be currently issued under a scientific collecting permit as a special condition.

**§13-75-5 through §13-95-15 Rules Regulating the possession and use of Certain Fishing Gears**

The Department can issue permits to allow for the use of regulated or prohibited gear (electrofishing devices, poisonous substances, firearms, spears, throw nets, drift gill nets, gill nets, bullpen traps, general nets, and general traps) for non-commercial use (i.e. scientific, educational, or other public purposes). Such permission would be currently issued under a scientific collecting permit as a special condition.

**§13-95-4 through §13-95-21, and §13-95-50 through §13-95-54 Rules Regulating the Taking of Certain Marine Resources (fish, crabs & lobsters).**

The Department can issue permits to allow for the take of regulated aquatic species (i.e. under-sized, with eggs, out-of-season, etc.) or the use of prohibited gear for such take, for non-commercial use (i.e. scientific, educational, or other public purposes). Such permission would be currently issued under a scientific collecting permit as a special condition.

**§13-95-70 through §13-95-71 Rules Regulating Coral and Live Rock**

The Department can issue permits to allow for the take of protected coral species and live rock for non-commercial use (i.e. scientific, educational, or other public purposes). Such permission would be currently issued under a scientific collecting permit as a special condition.

# DAR Special Activity Permit Application Review Checklist

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Applicant: \_\_\_\_\_ Permit #: \_\_\_\_\_ Date of Request: \_\_\_\_\_

## DAR Reviewer:

For each application reviewed, use the following checklist and mark all boxes that apply. No check in either box indicates insufficient information to answer (which must also be stated in the comments section). Where indicated, follow directions involving further review, notification, or insertion of 'Special Conditions'.

### 1. General Permit Questions

	YES	NO	SUGGESTED ACTION	COMMENTS
A. If renewing, did the applicant NOT turn in an annual report for last year's permit? (does not apply to first time permits) <input type="checkbox"/> N/A: NEW PERMIT	<input type="checkbox"/>	<input type="checkbox"/>	If YES, notify applicant that permit will NOT be issued and the application will not be further reviewed until the required annual report is turned in and reviewed by staff.	
B. Is the permit application or annual report deficient in any major area?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to modify application or report to correct deficiency. Special Conditions should be attached to expressly prohibit or minimize listed concerns.	
C. Does the proposed activity and/or annual report raise any concerns about significant negative impacts to species, populations, or habitat? Does the proposed activity affect other resource users?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to modify proposal to significantly modify actions. Special Conditions should be attached to expressly prohibit or minimize listed concerns.	
D. Does the proposed activity involve any DLNR regulated species?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to minimize/eliminate use of regulated species.	
E. Does the proposed activity involve ANY commercial use or bioprospecting component; is there any indication that patents or proprietary designations would be involved?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, requires additional DAR staff review and discussion.	
F. Does the proposed activity involve the use of chemicals in the field as part of an experimental treatment, indicator, or to capture, preserve, or treat organisms?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, may require outside review and possible permitting by DOH, and DAR Special Conditions regarding chemical storage, use in the field or aboard vessels, disposal and monitoring. DAR does not issue permits to use chemicals to take marine life.	
G. Does the proposed activity involve a species known to be either invasive or alien in Hawaii or elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, requires additional DAR staff review and discussion. Requires Special Conditions for an AIS plan for all activities; special requirements regarding shipping, receiving, & holding organisms. Follow-on monitoring and reporting.	
H. Does the proposed activity occur, in whole or in part, on an island other than Oahu?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, requires additional review by appropriate DAR neighbor island biologist.	

### 2. Species Impact Questions

	YES	NO	SUGGESTED ACTION	COMMENTS
A. Could the proposed activity use alternative species or use non-invasive/non-extractive means to lessen the negative impacts?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to modify proposal to reflect alternate actions.	
B. Does the number of individuals or the species being taken raise concerns?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to modify proposal to reflect alternate actions. Minimize impacts where possible.	

# DAR Special Activity Permit Application Review Checklist

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		YES	NO	SUGGESTED ACTION	
C.	Does the application not identify organisms by individual species names or specific numbers of animals?	<input type="checkbox"/>	<input type="checkbox"/>	IF YES, work directly with applicant to modify proposal to reflect alternate actions. Organisms should be listed by species if possible, with specific conservative number limits.	
D.	Is the applicant requesting to take or impact live coral or live rock?	<input type="checkbox"/>	<input type="checkbox"/>	IF YES, requires review by other DAR Biologists with expertise in coral reefs. Need Special Conditions limiting take by species, numbers, and size of colonies; notify DAR & DOCARE affected islands; special requirements for shipping, receiving, & holding organisms; permittee to directly monitor activities. Set limits on mass mortality, fragmentation, and use of specimens.	
E.	Is the applicant requesting to work on, or in any way impact, marine mammals or sea turtles?	<input type="checkbox"/>	<input type="checkbox"/>	IF YES, requires review by DAR Marine Mammal Specialist and will require Federal permits from NOAA & possibly USFWS. Need Special Conditions limiting take by species, numbers, and direct and indirect impacts; requires DAR, DOCARE, and USFWS/NOAA notification on affected islands; special requirements regarding interaction, sampling, & holding organisms. Activities to be directly monitored by permittee. Limits use of specimens.	
F.	Does the applicant propose taking species from a State-regulated fishery?	<input type="checkbox"/>	<input type="checkbox"/>	IF YES, may need to set cap/conditions based on cumulative regulated fishery concerns. May need to apply amount caught towards annual cap for that fishery.	
G.	Does the applicant propose moving live organisms inter-island?	<input type="checkbox"/>	<input type="checkbox"/>	IF YES, requires DAR Special Conditions regarding DAR & DOCARE notification on affected islands; special requirements for shipping, receiving, & holding organisms; quarantine and wastewater disposal.	
H.	Does the applicant propose to ship live or dead organisms or body parts/derivatives out-of-State?	<input type="checkbox"/>	<input type="checkbox"/>	IF YES, requires DAR Special Conditions regarding legitimate use of organisms, written approval condition, conveyance conditions, and Lacey Act notification. May also require interaction with USFWS and CITES permits if out-of-country.	
I.	Does the applicant propose working on marine organisms brought in from outside State waters or from Out-of-State?	<input type="checkbox"/>	<input type="checkbox"/>	IF YES, requires approval from DOA and possibly USFWS (and may also require CITES permit). Requires additional review by DAR Biologists with AIS expertise. Add Special Conditions for vector and AIS concerns for both specimens and symbionts they may harbor.	

## 3. Species of Concern Questions

	YES	NO	SUGGESTED ACTION	COMMENTS
A.	<input type="checkbox"/>	<input type="checkbox"/>	IF YES, work directly with applicant to modify proposal to significantly modify actions. Special Conditions should be attached to expressly prohibit or minimize listed concerns; specifically in terms of the numbers affected or impacts to SOC Primary Habitat.	



# DAR Special Activity Permit Application Review Checklist

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## 4. Habitat Impact Questions

		YES	NO	SUGGESTED ACTION	COMMENTS
A.	Does the proposed activity occur, in whole or in part, within a MLC, FMA, FRA, NAR, or other MPA or MMA?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, requires additional DAR Biologist review. Requires Special Conditions regarding minimizing or prohibiting activities that in anyway impact habitat, populations and ecosystem. Collection of organisms within no-take MLCs are strongly discouraged.	
B.	Does the applicant request to conduct any activities within a recognized, Federally-administered, MPA or MMA such as the HHWNMS, NWHI, security zones surrounding military bases or marine areas directly off of an DOT airport within State waters?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, requires appropriate Federal agency review and possibly Federal permit(s) in addition to DAR review. If within the HHWNMS, also need to have review by DAR HHWNMS staff.	
C.	Does the proposed activity have to occur within the MPA or MMA (If YES, there is no alternative)?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, requires additional DAR Biologist review. Requires Special Conditions regarding minimizing or prohibiting activities that in anyway impact habitat, populations and ecosystem. (Note: if NO, apply those alternatives to Special Conditions).	
D.	Are there significant concerns/questions about how much the proposed activity will <u>directly</u> benefit management of the resources within the MPA or MMA to justify the exemption?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to modify proposal to reflect alternate locations or activities.	
E.	Does the applicant propose placing moorings or anchors onto (or into) the substrate?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, Special Conditions require in-water gear bear a tag or inscription bearing the permittee's affiliation, contact info, and the number of the permit. Limits on gear or other equipment impacting habitat or other marine life; limits on placement near any large coral colony or sensitive resource. Requirement to document pre- and post-deployment habitat conditions, along with GPS of deployment sites. May require review and/or permitting by OCCL (HAR §13-5).	
F.	Does the applicant propose extracting any marine sediment or substrate?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, Special Conditions should limit impacting habitat or other marine life; limits on collection near any large coral colony or sensitive resource. Requirement to document pre- and post-deployment habitat conditions, along with GPS of collection sites. May require review and/or permitting by OCCL (HAR §13-5).	
G.	Does the proposed activity involve collection of any organism attached to or living within the substrate (or holes within the substrate)?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, requires additional DAR Coral Reef Biologist review. Requires Special Conditions regarding minimizing or prohibiting activities that in anyway impact habitat, populations and ecosystem. Limits on activities near any large coral colonies. Activities to be directly monitored by permittee. Limits on mass mortality, fragmentation, and use of specimens.	

## 5. User Conflict Questions

	YES	NO	SUGGESTED ACTION	COMMENTS
A.	Does the proposed activity displace other users of the marine resources in the areas targeted?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to modify proposal to reflect alternate locations or activities to minimize displacement of other resource users; list modifications as Special Conditions.

# DAR Special Activity Permit Application Review Checklist

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		YES	NO	SUGGESTED ACTION	COMMENTS
B.	Does the proposed activity set research gear, cages, or equipment in the water or on the bottom for an extended period of time?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, Special Conditions require in-water gear to bear a tag or inscription with the permittee's name and permit number; limit gear or other equipment impacting habitat or other marine life. Limits on gear or other equipment impacting habitat or other marine life; limits on placement near any large coral colony or sensitive resource. Requirement to document pre- and post-deployment habitat conditions, along with GPS of deployment sites. May require review and/or permitting by OCCL (HAR §13-5).	
C.	Does the proposed activity in a specific area interfere with on-going, long-term, research projects or monitoring?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant and the affected researchers to modify proposal to minimize impacts on existing long-term research or monitoring sites; add modifications as Special Conditions.	

## 6. Other Issues

		YES	NO	SUGGESTED ACTION	COMMENTS
A.	Do you as the permit reviewer declare any conflict-of-interest in reviewing this permit?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, requires an additional review by another DAR biologist in addition to yourself prior to the permit going forward.	
B.	Is the number of replicates proposed by the applicant excessive (from a resource management perspective)?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to modify number of replicates to either minimize resource impacts and/or ensure statistical validity.	
C.	Does the proposed activity involve the use of DLNR regulated gear?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to minimize/eliminate use of such gear.	
D.	Are there any concerns regarding secondary (indirect) impacts from the proposed activities to either habitat, populations or ecosystem?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to modify application to address secondary impact concerns. Place specific controls within Special Conditions section of the permit.	
E.	Are there any concerns regarding cumulative impacts from the proposed activities relative to previous activities conducted at the proposed activity site?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to modify application to address cumulative impact concerns. Place specific controls within Special Conditions section of the permit.	
F.	Are there any concerns regarding the platform (vessel, etc.) to be used to access the proposed activity site (i.e. anchoring, discharge, size of vessel, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, work directly with applicant to modify application to address these concerns. Place specific controls within Special Conditions section of the permit.	
G.	Does the applicant propose displaying regulated organisms to the public?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, requires an additional review by DAR I & E specialists. Special Conditions include signage requirement with displayed organisms based on language from DAR I & E specialist.	
H.	Does the applicant propose freezing or inactivating bacterial or viral agents, or transport of hosts in that condition that may carry such agents?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, requires an additional review by DAR Biologists and outside input from DOH, DOA and possibly other NRT agencies. Special Conditions should include prohibitions to eliminate possible release or transmission into State waters through the various phases of the proposed activities.	

# DAR Special Activity Permit Application Review Checklist

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I.	Does the proposed activity require additional approval(s) from other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	If YES, inform applicant in writing and add Special Conditions to inform applicant of need to obtain further approvals.
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As a result of the above:

I recommend the following action on this permit application (circle one):

**DENY**

**APPROVE**

If you recommend to **APPROVE** the permit and you are the person not writing the permit conditions itself, list any special conditions to add to permit:

If you recommend to **DENY** the permit, list specific reasons for denial:

I have reviewed the permit application and certify that I have answered the above questions to the best of my ability.

Printed Name: \_\_\_\_\_

DAR Title/Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please attach this signed and dated form into the permittee's record folder along with the permit request after the permit is issued or officially denied.